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Paper No.

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4800 IDS CENTER  
80 SOUTH 8TH STREET  
MINNEAPOLIS MN 55402-2100

In re Application of :  
Scott Jirele :  
Application No. 10/804,931 : LETTER REGARDING  
Filed: March 19, 2004 : PATENT TERM ADJUSTMENT  
Atty Docket No. 1088.157US02 :

This is in response to the TERMINAL DISCLAIMER OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b) filed January 22, 2007. Attorney of record James Patterson requests that the Office disclaim the terminal part of any patent term added as a result of the Adjustment of Patent Term provisions of 35 U.S.C. § 154(b) to any patent granted on the instant application.

This letter is written in light of the LETTER REGARDING PATENT TERM ADJUSTMENT filed May 11, 2007, and considered prior to entry of the terminal disclaimer. Therein, applicants state that the TERMINAL DISCLAIMER OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b) was filed in error. Applicants intended to disclose that the patent term adjustment added was greater than they were entitled.

In view thereof, the request to disclaim the terminal part of any patent term added as a result of the patent term adjustment is WITHDRAWN. No such terminal disclaimer will be entered.

The request for review of the patent term adjustment filed May 11, 2007 is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is forty (40) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On October 18, 2006, the Office mailed the new Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 42 days. Applicants disclose that an additional period of reduction of 2 days should have been entered.

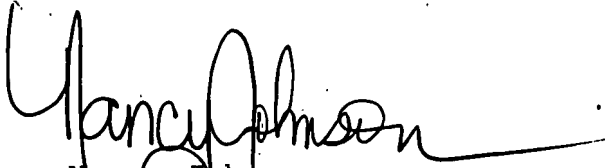
Applicants are correct. A review of the record confirms that applicants took until June 19, 2006 to file a response to the final Office action mailed March 17, 2006. Accordingly, entry of a 2 day period of reduction pursuant to 37 CFR 1.704(b) is warranted.

In view thereof, it is concluded that the determination of PTA at the time of the mailing of the notice of allowance is FORTY (40) days.

As this letter was submitted as an advisement to the Office of an error in applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded to the Office of Patent Publication for issuance of the application. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Thursday  
Date : 5/17/2007

# PALM INTRANET

Time: 10:08:20

## PTA Calculations for Application: 10/804931

Application Filing Date:	03/19/2004	PTO Delay (PTO):	76
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	34
Post-Issue Petitions:	0	Total PTA (days):	40
PTO Delay Adjustment:	-2		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
43	05/17/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		2	
42	05/17/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	42		
40	05/02/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		42	
33	10/18/2006	MAIL NOTICE OF ALLOWANCE			
32	09/19/2006	ISSUE REVISION COMPLETED			
31	09/19/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
30	09/19/2006	NOTICE OF ALLOWABILITY			
29	03/17/2006	MAIL FINAL REJECTION (PTOL - 326)	76		26
28	03/14/2006	FINAL REJECTION			
27	09/14/2005	DATE FORWARDED TO EXAMINER			
26	08/31/2005	RESPONSE AFTER NON-FINAL ACTION		34	24
25	08/31/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
24	04/28/2005	MAIL NON-FINAL REJECTION			
23	04/26/2005	NON-FINAL REJECTION			
22	11/20/2004	CASE DOCKETED TO EXAMINER IN GAU			
21	09/29/2004	REFERENCE CAPTURE ON IDS			
20	09/29/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	08/11/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	08/11/2004	CASE DOCKETED TO EXAMINER IN GAU			
17	08/05/2004	APPLICATION RETURN FROM OIPE			
16	08/05/2004	APPLICATION RETURN TO OIPE			
15	08/05/2004	APPLICATION RETURN FROM OIPE			
14	08/05/2004	APPLICATION IS NOW COMPLETE			

13	07/02/2004	ADDITIONAL APPLICATION FILING FEES			
12	07/02/2004	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
11	06/03/2004	CORRECTED PAPER			
10	06/03/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
9	06/02/2004	APPLICATION RETURN TO OIPE			
8	06/02/2004	APPLICATION RETURN FROM OIPE			
7	06/02/2004	APPLICATION RETURN TO OIPE			
6	06/02/2004	APPLICATION DISPATCHED FROM OIPE			
5	06/03/2004	APPLICATION IS NOW COMPLETE			
4	04/15/2004	CLEARED BY OIPE CSR			
3	04/15/2004	CASE CLASSIFIED BY OIPE			
2	04/03/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/19/2004	INITIAL EXAM TEAM NN			

**Search Another: Application#**

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**EXPLANATION OF PTA CALCULATION**

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